

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADAM ROMANOWICZ,

Plaintiff,

- against -

ALISTER & PAINE, INC.

Defendant.

Docket No. 17-cv-8937 (PAE)

**DECLARATION OF
RICHARD P. LIEBOWITZ,
ESQ. IN SUPPORT OF
PLAINTIFF'S SUBMISSION
FOR INQUEST ON
DAMAGES**

I, RICHARD P. LIEBOWITZ, ESQ., hereby swear under the penalty of perjury that the following is true and correct to the best of my personal knowledge:

1. I am lead counsel for plaintiff Adam Romanowicz ("Plaintiff") and am duly admitted to practice law in this District and in the State of New York.
2. I submit this declaration in support of Plaintiff's submissions for an inquest on damages against Alister & Paine, Inc. ("Defendant") pursuant to Fed.R.Civ.P. 55(b); Local Rule 55.2(b); and the Court's April 26, 2018 Order.
3. Default judgment as to liability has been entered on grounds that Defendant has failed to file an answer or move against the Complaint; and has failed to otherwise defend the action.

THE PROPOSED DAMAGES AND THE BASIS FOR EACH ELEMENT OF DAMAGES, INCLUDING INTEREST, ATTORNEY'S FEES, AND COSTS

4. Damages. Plaintiff seeks an actual damages award of **\$2,000** under 17 U.S. § 501(c). Actual damages are determined by the loss of a license fee, the amount saved by the defendant as a result of the infringement and any profit, gain or advantage attributable to the infringement. Due to the Defendant's abstention from these proceedings, all presumptions of Plaintiff's loss and Defendant's gain should be construed against the defaulting Defendant.

5. Plaintiff elects statutory damages on the Second Claim in the amount of **\$25,000** under 17 U.S.C. 1203(c).

6. Attorney's Fees and Costs. I submit detailed time records for billable legal work performed in this case as Exhibit A. I also include paid invoices for two service of process as Exhibit B.

Dated: May 25, 2018
Valley Stream, New York



By: Richard P. Liebowitz
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